

OFFICIAL RECORD

Lockport, New York
November 16, 2021

The meeting was called to order by Chairman Wydysh at 6:02 p.m.

Clerk Moran called the roll. All Legislators were present.

Chairman Wydysh introduced all the Legislative Interns.

PRESENTATION:

Chairman Wydysh called New York State Troopers to the lectern to give a presentation on a major recruitment campaign, presenting the many opportunities and benefits that come along with being a New York State Trooper.

Legislator Gooch was called to the lectern, to read a proclamation declaring the Month of November 2021 as "Adoption Awareness Month" in Niagara County.

Chairman Wydysh called Niagara Falls Mayor, Robert Restiano and Antonio Borgese, of CJS Architects to the lectern to give a presentation on a great economic development opportunity for the city of Niagara Falls called Centennial Park.

0 Citizens spoke in the Agenda

Moved by Bradt, second by Virtuoso to accept the Preferred Agenda.

Resolution No. CS-053-21 was read at this time. (Appears in numerical order)

Resolution No. AD-018-21

From: Administration Committee.

Dated: November 16, 2021

SET PUBLIC HEARING FOR THE TENTATIVE BUDGET FOR THE YEAR 2022

WHEREAS, the County Manager of the County of Niagara has submitted a tentative budget to the Niagara County Legislature, and

WHEREAS, pursuant to Section 359 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 5:40 p.m. on the 7th day of December 2021, to review the tentative budget for the year 2022, and be it further

RESOLVED, that the maximum salaries that may be fixed and payable during said fiscal year 2022 to members of the Legislature and the Chairman thereof, respectively, remain at the 2021 salary level and are specified as follows:

MEMBERS OF THE LEGISLATURE:	\$19,075 Annually
MAJORITY LEADER, MINORITY LEADER:	\$19,575 Annually
CHAIRMAN OF THE LEGISLATURE:	\$22,075 Annually

and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-019-21

From: Administration Committee.

Dated: November 16, 2021

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY WATER DISTRICT**

WHEREAS, the Niagara County Water District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 5:10 p.m. on the 7th day of December 2021, to review the assessment tax roll for the Niagara County Water District, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-020-21

From: Administration Committee.

Dated: November 16, 2021

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY SEWER DISTRICT**

WHEREAS, the Niagara County Sewer District #1 has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 5:30 p.m. on the 7th day of December 2021, to review the assessment tax roll for the Niagara County Sewer District #1, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-021-21

From: Administration Committee.

Dated: November 16, 2021

**SET PUBLIC HEARING FOR ASSESSMENT TAX ROLL FOR
THE NIAGARA COUNTY REFUSE DISTRICT**

WHEREAS, the Niagara County Refuse District has submitted an assessment tax roll through the County Manager of the County of Niagara to the Niagara County Legislature, and

WHEREAS, pursuant to Section 271 of the County Law, a public hearing must be held, now, therefore, be it

RESOLVED, that a public hearing be held in the Niagara County Courthouse, Lockport, New York at 5:20 p.m. on the 7th day of December 2021, to review the assessment tax roll for the Niagara County Refuse District, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature is hereby authorized to publish notice of same in the Union Sun & Journal and the Niagara Gazette.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. AD-022-21

From: Administration Committee.

Dated: November 16, 2021

DISTRIBUTION OF MORTGAGE TAX

WHEREAS, Niagara County has received mortgage tax monies for the period April, 2021 through September, 2021 in the amount of \$4,927,899.11, and

WHEREAS, the Recording Officer has previously distributed \$1,201,639.86 to the Niagara Frontier Transportation Authority, \$1,118,547.90 to the State Mortgage Tax Agency, and retained \$130,368.49 for approved county administrative expenses, and

WHEREAS, that Recording Officer has remitted the remaining monies collected to the County Treasurer for distribution to various Niagara County towns, villages and cities, now therefore be it

RESOLVED, that the sum of **\$2,477,342.86** reflects mortgage tax monies for the period April 1, 2021 through September 30, 2021 to be distributed, and the same be and hereby is, apportioned as follows among the various towns, villages and cities of the County of Niagara:

TOWNS	Cambria	\$ 94,366.61
	Hartland	33,822.59
	Lewiston	206,384.40
	Lockport	308,151.21
	Newfane	107,668.52
	Niagara	116,903.92
	Pendleton	145,871.05
	Porter	92,131.39
	Royalton	77,572.88
	Somerset	31,783.14
	Wheatfield	323,360.90
	Wilson	68,558.88

VILLAGES	Middleport (Hartland)	\$ 532.50
	Middleport (Royalton)	5,903.50

	Lewiston	25,337.40
	Youngstown	17,496.99
	Barker	2,655.07
	Wilson	7,501.90
CITIES	Lockport	\$ 200,109.84
	Niagara Falls	284,181.44
	North Tonawanda	<u>327,048.73</u>
	TOTAL:	\$2,477,342.86

and be it further

RESOLVED, that the County Treasurer be, and hereby is, directed to pay the Supervisors of the various towns, village treasurers, and city treasurers the amounts recorded above and that this document shall be sufficient authorization to the County Treasurer to make the payments in accordance with the above direction.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-051-21

From: Community Services and Administration Committees.

Dated: November 16, 2021

2022 CONTRACTS - MENTAL HEALTH DEPARTMENT

WHEREAS, funds are available in the Year 2022 Tentative Budget under the various line items of the Mental Health Department, and

WHEREAS, the Mental Health Department upon the advice of the Niagara County Community Services Board, recommends that contracts between the Mental Health Department and the following agencies be approved for 2022, now, therefore, be it

RESOLVED, contingent upon approval of the Year 2022 Tentative Budget, the Director of Community Services be and is hereby, authorized to execute the necessary agreements between the County and the various sub-contractors as aforesaid, subject to the approval of the County Attorney's Office.

CM.21.4322.415.74500.01	CSS Programs	
.74500.01	Community Missions	\$ 630,432
.74500.01	New Directions (Wyndham Lawn)	77,192
.74500.01	Mental Health Association	142,194
.74500.01	Dale Association	57,917
.74500.01	Spectrum Human Services	71,626
.74500.01	United Cerebral Palsy	<u>38,444</u>
		\$1,017,805
CM.21.4322.415.74550.06	Reinvestment Programming	
.74550.06	Community Missions	\$ 186,535
.74550.06	Mental Health Association	180,603
.74550.06	New Directions (Wyndham Lawn)	102,114
.74550.06	Niagara Falls Memorial Medical Center	242,749
.74550.06	Dale Association	<u>55,527</u>
		\$ 767,528

CM.21.4322.416.74500.01	Case Management Programs	
.74500.01	Pinnacle (formerly Family & Children's)	\$ 680,259
.74500.01	New Directions (Wyndham Lawn)	158,927
.74500.01	Community Missions	134,541
.74500.	Niagara Falls Memorial Medical Center	<u>25,987</u>
		\$ 999,714
CM.21.4322.423.74500.01	Supported Housing	
.74500.01	Community Missions	\$ 269,799
.74500.01	Living Opportunities of DePaul	<u>176,763</u>
		\$ 446,562
A.21.4322.425.74500.01	Best Self	
.74500.01	Contractual	\$ 202,000
A.21.4322.412.74500.01	Mental Health Association	
.74500.01	Contractual	\$ 109,078
A.21.4322.413.74500.01	NYS OASAS Peer Engagement Services	
.74500.01	Western New York Independent Living	\$ 150,802
A.21.4322.424	Cazenovia Recovery	
.74550.08	Alcoholism	\$ 1,537,421
A.21.4322.414	Northpointe Council	
.74550.08	Alcoholism	\$ 2,271,348
Total Resolution		\$7,502,258

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-052-21

From: Community Services and Administration Committees.

Dated: November 16, 2021

2021 CONTRACT COLA/MINIMUM WAGE - MENTAL HEALTH DEPARTMENT

WHEREAS, the New York State Office of Mental Health and New York State Office of Alcoholism & Substance Abuse Services has approved additional State Aid COLA/Minimum Wage for the calendar year of 2021 for various agencies, and

WHEREAS, it will not cost the County additional funds, now, therefore, be it

RESOLVED, that the Director of Community Services is hereby authorized to execute the necessary agreements between the County and the various sub-contractors as aforesaid, subject to the approval of the County Attorney's Office, and be it further

RESOLVED, that the following budget modifications be effectuated:

INCREASE REVENUES:

A.21.4322.412.43490.09	Mental Health Association	\$ 3,608
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A.21.4322.413.43490.12	WNY Independent Living	1,482
A.21.4322.414.43490.10	Northpointe Council	27,829
A.21.4322.424.43490.10	Cazenovia Recovery	21,643
A.21.4322.425.43490.10	BestSelf Behavioral Health	1,500
CM.21.4322.415.43490.05	Reinvestment Programming (Community Missions, Dale Association, Mental Health Association, New Directions, Niagara Falls Memorial)	19,040
CM.21.4322.416.43489.04	Case Management Programs (New Directions)	7,900
CM.21.4322.423.43490.14	Supported Housing	6,428

INCREASE APPROPRIATIONS:

A.21.4322.412.74500.01	Mental Health Association	\$ 3,608
A.21.4322.413.74500.01	WNY Independent Living	1,482
A.21.4322.414.74550.08	Northpointe Council	27,829
A.21.4322.424.74500.08	Cazenovia Recovery	21,643
A.21.4322.425.74500.01	BestSelf Behavioral Health	1,500
CM.21.4322.415.74550.06	Reinvestment Programming (Community Missions, Dale Association, Mental Health Association, New Directions, Niagara Falls Memorial)	19,040
CM.21.4322.416.74500.01	Case Management Programs (New Directions)	7,900
CM.21.4322.423.74500.01	Supported Housing	6,428

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CS-053-21

From: Community Services and Administration Committees.

Dated: November 16, 2021

**ADDITIONAL PER DIEM RN POSITIONS
EMERGENCY PLANNING DIVISION - DEPARTMENT OF HEALTH**

WHEREAS, the Emergency Planning Division of the Niagara County Department of Health provides services, information and training to protect the health and safety of the citizens of Niagara County, and

WHEREAS, the New York State Department of Health awarded the Public Health Emergency Planning Division COVID-19 funds for Corona Virus (COVID-19) response approved through Resolution CS-019-20, and

WHEREAS, positive COVID cases have increased resulting in expanded contact investigation, testing and vaccination requiring increased need for RN staff, and

WHEREAS, present per diem RN's have limited availability, and

WHEREAS, the Department of Health requests an additional five per diem RN positions, and

WHEREAS, new position expense will be taken out of existing RN per diem positions now, therefore, be it

RESOLVED, five new RN per positions will be added, position numbers to be determined.

Approved for Submission.

Moved by Gooch, seconded by Bradt, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Gooch, seconded by Bradt.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-107-21

From: Community Safety & Security and Administration Committees.

Dated: November 16, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
OFFICE OF VICTIM SERVICES GRANT**

WHEREAS, the Niagara County Sheriff's Office was notified in writing that the New York State Office of Victim Services has awarded a multi-year grant for a term of 10/1/19 to 9/30/22, and

WHEREAS, the Niagara County Legislature accepted the funding and contract execution for 2019-2020 in Resolution CSS-046-19 on 08/06/2019, and

WHEREAS, the Niagara County Legislature accepted the funding and contract execution for 2020-2021 in Resolution CSS-053-20 on 10/20/20, and

WHEREAS, the grant amount for the 2021-2022 grant fiscal year is \$275,015.88, and

WHEREAS, the Office of Victim Services has issued a blanket waiver of the match requirement for all current OVS contracts utilizing this funding, and

WHEREAS, the grant funding is currently in the 2021 budget and will be included in the 2022 budget, and

WHEREAS, this grant funds the Niagara County Sheriff's Office Victim Assistance Unit with the personnel and services needed to provide legal, financial, safety and support services and referrals to Niagara County residents who are victims of crimes, and

WHEREAS, the Niagara County Sheriff's Office Victim Assistance Unit strives to provide the best service possible to our Niagara County residents, now, therefore, be it

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be and hereby is authorized to execute the agreement for the 2021-2022 grant fiscal year.

Moved by Gooch, seconded by Bradt.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-108-21

From: Community Safety & Security and Administration Committees.

Dated: November 16, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT COPS OFFICE COMMUNITY POLICING DEVELOPMENT (CPD) PROGRAM GRANT**

WHEREAS, the Niagara County Sheriff's Office has been awarded a COPS Office FY2021 Community Policing Development (CPD) Program Grant for the performance period September 1, 2021 through August 31, 2023 in the amount of \$200,000 with a match of \$84,434, and

WHEREAS, the grant funds will be used to ensure that 100% of the officers at the Sheriff's Office and at other Niagara County Law Enforcement Agencies are trained and experienced in de-escalation techniques, and

WHEREAS, to accomplish this goal the Sheriff's Office will use the grant funds to cover training costs for 2 Train the Trainers for a De-Escalation Course to train the other officers in the county, for overtime for officers to attend the De-Escalation Training Course and to purchase a Virtual Reality Training Simulator VirTra Machine to allow officers to practice the skills and techniques they have learned in the De-Escalation Course, and

WHEREAS, the Niagara County Sheriff's Office will use part of the cost of the Virtual Reality Training Simulator as the match for this grant, and

WHEREAS, the funds will be in the 2022 budget, however, the contract needs to be executed, now, therefore, be it

RESOLVED, that prior to the execution of the grant, the County Attorney will review the grant for approval to legal form, language and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute this grant.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-109-21

From: Community Safety & Security and Administration Committees.

Dated: November 16, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE
BUDGET MODIFICATION – PARKING LOT RESEALING AND STRIPING**

WHEREAS, the Niagara County Sheriff's Office needs to have the parking lots at the Niagara County Jail and Harmon Building resealed and striped, and

WHEREAS, a Bid was issued but we did not receive any bids due to timing and projects that companies already had scheduled, and

WHEREAS, the Sheriff's Office budgeted \$25,000 for this project which we do not want to lose for this necessary project, now, therefore, be it

RESOLVED, that the following funds be transferred from the operating budget for 2021 into a Capital with the following budget modification:

DECREASE APPROPRIATION:

A.17.3150.000 74800.03	Building Maintenance	\$25,000
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INCREASE APPROPRIATION:

A.07.9950.000 79010.00	Transfer to Capital Projects	\$25,000
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INCREASE ESTIMATED REVENUE:

H733.17.3197.000 43051.00	Transfer from Operating	\$25,000
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INCREASE APPROPRIATION:

H733.17.3197.000 72400.00	Sheriff's Parking Lot Improvements	\$25,000
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Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-110-21

From: Community Safety & Security and Administration Committees.

Dated: November 16, 2021

**NIAGARA COUNTY SHERIFF'S OFFICE NIAGARA FASHION MALL
COMMUNICATIONS SITE CHANGE ORDER NO. 3**

WHEREAS, on April 30, 2020, pursuant to a sealed bid, the County of Niagara entered into a contract for Radio Site Development at Fashion Outlets Mall of Niagara Falls to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057 for a contract amount of \$267,300.00, and

WHEREAS, on August 4, 2020, by resolution CSS-037-20 a change order in the amount of \$29,855.94 was approved and authorized for Radio Site Development at Fashion Outlets Mall of Niagara Falls to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057 making the total contract \$297,155.94, and

WHEREAS, on May 11, 2021, by resolution CSS-059-21 a change order in the amount of a decrease of \$156,155.94 was approved and authorized for Radio Site Development at Fashion Outlets Mall of Niagara Falls to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057 making the total contract \$141,000.00, and

WHEREAS, during the course of the construction, it was determined that additional support was needed to account for the weight of the equipment being installed. This made it necessary to complete additional design drawings and steel support to be added to the existing plan at a cost of \$13,600.00, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Change Order No. 3 to increase the contract by \$13,600.00 for Radio Site Development at Fashion Outlets Mall of Niagara Falls to Collectric Electrical, LLC, for a revised contract amount of \$154,600.00 to Collectric Electrical, LLC, 6615 Towpath Road, E. Syracuse, New York 13057, be approved, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-111-21

From: Community Safety & Security and Administration Committees.

Dated: November 16, 2021

**AWARD OF PROFESSIONAL SERVICES CONTRACT FOR
PUBLIC SAFETY RADIO NETWORK SYSTEM ASSESSMENT AND MONITORING TO SKYWAVE**

WHEREAS, the County of Niagara owns a Countywide Public Safety Radio Network (the "System") which was constructed by Motorola Solutions, and

WHEREAS, due to the complexity and technical nature of the System, the County is unable to monitor, assess, and regularly troubleshoot the System on its own and requires the services of a professional or professionals who are trained and experienced in such work, and

WHEREAS, Skywave Communications Inc. ("Skywave") is a company with offices in Rochester, New York

which has personnel with technical training and experience with Motorola systems like the County's System and is able to provide the services needed by the County, including regular assessment of the System, review of performance indicators, application of security related updates and Moto patches, coordination of devices returned to manufacturers for repair, troubleshooting of System and subscriber related issues, operator training and support of subscriber programming template development, and

WHEREAS, the services to be provided by Skywave involve a high degree of technical expertise and involve matters of professional judgment and trust and thus constitute "professional services," and

WHEREAS, the Niagara County Legislature in 2019 (CSS-084-19) waived the requirement of issuing a Request for Proposals for a professional service contract for this system assessment and monitoring due to its complex nature and awarded the contract to Skywave for two years, and

WHEREAS, Skywave has proposed to continue providing said complex services to the County for an additional 2-year period, commencing January 1, 2022, for a fee of \$49,000.00 in year 1 and \$49,400.00 in year 2, and

WHEREAS, under Niagara County's Purchasing Guidelines, the Niagara County Legislature and the requisite committee(s) have the discretion to waive the requirement of issuing a Request for Proposals for a professional service contract, and

WHEREAS, money is available through the operating funds in the Fire Coordinators Office and will be designated for this project; now, therefore, be it

RESOLVED, that the Niagara County Legislature and the requisite committee(s) hereby waive the requirement of issuing a Request for Proposals for the above mentioned services and authorize the County Manager or Chairman of the Legislature to execute a 2-year contract with Skywave Communications Inc. for the above mentioned services, in an amount not to exceed \$98,400.00. Said contract to be subject to the review of the County Attorney for compliance with legal form and County policy.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-112-21

From: Community Safety & Security and Administration Committees.

Dated: November 16, 2021

WAIVER OF RESIDENCY REQUIREMENT CONFLICT ATTORNEY

WHEREAS, the Niagara County Conflicts Office & Assigned Counsel has permission to fill presently vacant Conflict Attorney position, these are important positions that are required to provide legal representation of indigent persons entitled to public defense who cannot be represented by the Public Defender's Office due to a conflict of interest, and

WHEREAS, due to recent challenges with recruitment efforts of Niagara County residents that are experienced criminal trial attorneys for these vacant positions of Conflict Attorney, and

WHEREAS, the Conflicts Office & Assigned Counsel has made diligent and sincere efforts to recruit highly qualified candidates for these vacant positions from within Niagara County, including multiple advertisements and postings for an extended period of time, now, therefore, be it

RESOLVED, that a Waiver of Residence from the policy to hire only Niagara County residents be approved to fill this vacant position of Conflict Attorney when the most qualified applicant or only qualified candidates resides outside Niagara County.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CSS-113-21

From: Community Safety & Security and Administration Committees.

Dated: November 16, 2021

**NIAGARA COUNTY ATTORNEY'S OFFICE
PROPERTY LEASE AGREEMENT AMENDMENT
UPPER MOUNTAIN FIRE CO. TOWER LEASE**

WHEREAS, in 2012 Niagara County entered into lease agreements with local municipalities and fire companies to construct and operate radio tower facilities on their property, and

WHEREAS, on June 1st, 2012 a lease was entered into between the County and Upper Mountain Fire Company, located at 839 Moyer Road, Lewiston, New York for said construction and operation, and

WHEREAS, in review of this lease agreement, the indemnification and insurance language needs to be updated to include more specific language than was provided for in 2012, now therefore be it

RESOLVED that the Chairman of the Legislature be, and hereby is, authorized to execute this contract amendment. Said amendment to be subject to the review of the County Attorney for compliance with legal form and County policy.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. CW-015-21

From: Committee of the Whole.

Dated: November 16, 2021

**STANDARD WORK DAY AND REPORTING RESOLUTION
FOR ELECTED AND APPOINTED OFFICIALS
(UPDATED TERMS AND RECORD OF ACTIVITIES)**

RESOLVED, that the County of Niagara, hereby establishes the following as standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Elected Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Record Activities Results	Not Submitted
Legislator	6	Irene Myers				01/02/20-12/31/21	22.31	

Appointed Officials

Title	Standard Work Day	Name	Social Security Number	Registration Number	Tier 1	Current Term Begin & End Dates	Record Activities Results	Not Submitted
Asst. Conflict Attorney	6	David Mansour				12/22/20-12/31/21	20.95	

Moved by Myers, seconded by Andres.
Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-027-21

From: Economic Development Committee.

Dated: November 16, 2021

**APPROVING THE INCLUSION OF VIABLE AGRICULTURAL LAND WITHIN CERTIFIED
AGRICULTURAL DISTRICTS PURSUANT TO SECTION 303-B OF THE NEW YORK STATE
AGRICULTURE AND MARKETS LAW**

WHEREAS, Section 303-b of Agriculture and Markets Law provides land owners with an annual thirty-day period to submit requests for the inclusion of predominantly viable agricultural lands within certified agricultural districts, and

WHEREAS, that thirty-day period began June 1, 2021, and ended June 30, 2021, and

WHEREAS, land owners have filed a request for inclusion of predominantly viable agricultural land within the certified agricultural district, and

WHEREAS, the County Legislature referred the requests to the Niagara County Agricultural and Farmland Protection Board, and that Board has reviewed the requests and provided its recommendations that such property consists predominantly of viable agricultural land and that the inclusion of such land would serve the public interest by assisting in maintaining a viable agricultural industry within the district, and

WHEREAS, a public hearing was held on Tuesday, October 19, 2021 at 5:45 p.m. relating to such requested inclusions, now, therefore, be it

RESOLVED, that based on the recommendations of the Agricultural and Farmland Protection Board, the Niagara County Legislature hereby adopts and approves the inclusion of the requested viable agricultural land within certified Agricultural District #7, and, be it further

RESOLVED, that in accordance with Section 303-b of Agriculture and Markets Law the modifications to Agricultural District #7, are hereby described as follows, and include the following parcels listed by agricultural district, town, owner, tax map number, and acreage.

2021 Additions:

Agricultural District	Town	Owner	Tax Map Number	Acreage
7	Lockport	Brett Davidson	80.03-2-72	34.675
7	Newfane	Dan Dy	14.00-1-15.21	26.80

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. ED-029-21

From: Economic Development Committee.

Dated: November 16, 2021

**FIXING DATE AND NOTICE FOR THE PUBLIC HEARING
FOR MICRO-ENTERPRISE GRANT FUNDS**

WHEREAS, the Niagara County Legislature wishes to provide information about the progress of the ongoing CDBG microenterprise project, and

WHEREAS, Niagara County is required to hold a public hearing to provide information to the public and to consider citizens' views on proposed activities and regarding community needs, now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing whereat all interested parties shall be heard regarding the CDBG microenterprise program, and the County's community needs at the Legislative Chambers, Courthouse, Lockport, New York on the 7th day of December 2021 at 5:50 p.m., and be it further

RESOLVED, that the Clerk of the Legislature, at least eight days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport, and the Civic building at Niagara Falls, and shall publish such notice once in the Lockport Union Sun & Journal, and the Niagara Gazette.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-111-21

From: Infrastructure & Facilities and Administration Committees.

Dated: November 16, 2021

COURTHOUSE BUILDING IMPROVEMENTS THIRD FLOOR

WHEREAS, New York State has raised the age of criminal responsibility for youth who commit non-violent crimes to 18 years of age, and

WHEREAS, the New York State Office for Justice Initiatives, in collaboration with Niagara County, will promote necessary reforms and new strategies to establish a more efficient, fair juvenile justice system, and

WHEREAS, the New York State Unified Court System operating in the Niagara County Courthouse requires third floor building/renovation work for mandated court space relating to a hearing room, grand jury space, and related ancillary spaces, including remodeling of a chambers bathroom, and

WHEREAS, the New York State Unified Court System has agreed to reimburse Niagara County for the costs incurred for such renovation, not to exceed \$195,000, now, therefore, be it

RESOLVED, that the following budget modification be effectuated to allow the building renovations to proceed:

INCREASE ANTICIPATED REVENUE:

H735.15.1620.000 43021.00	State Aid Court Facilities Revenue	\$195,000
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INCREASE ANTICIPATED EXPENSES:

H735.15.1620.000 72200.01	Courthouse Building	\$195,000
	Improvements-Third Floor	

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-112-21

From: Infrastructure & Facilities and Administration Committees.

Dated: November 16, 2021

**SLAYTON SETTLEMENT ROAD BRIDGE OVER EIGHTEEN MILE CREEK
CHANGE ORDER NO. 1 – FINAL - REVISED**

WHEREAS, by Resolution No. IF-074-20, dated June 16, 2020, the Legislature awarded the contract for the Slayton Settlement Road Bridge over Eighteen Mile Creek Project to Edbauer Construction, 2790 Clinton Street, West Seneca, NY 14224, for a contract amount of \$1,254,188.50, and

WHEREAS, by Resolution No. IF-108-21, dated October 19, 2021, Change Order No. 1-Final decreased the contract in the amount of \$86,851, for a revised contract amount of \$1,167,337.50, and

WHEREAS, due to a clerical error the amount of said change order was entered incorrectly, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Change Order No. 1-Final for the Edbauer Construction contract for the Slayton Settlement Road Bridge over Eighteen Mile Creek be amended from \$86,851 to \$35,779.05, for a revised contract amount of \$1,218,409.45, and be it further

RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-113-21

From: Infrastructure & Facilities and Administration Committees.

Dated: November 16, 2021

**ANGELO DELSIGNORE CIVIC BUILDING
REMAINING WINDOWS PROJECT
CHANGE ORDER NO. 1**

WHEREAS, Resolution No. IF-110-20, dated October 20, 2020, awarded the contract for the Angelo DelSignore Civic Building Remaining Window Project to Watts Architecture & Engineering, DPC with an office at 95 Perry Street, Suite 300, Buffalo, NY, 14203, for a contract amount of \$91,200.00, and

WHEREAS, it is necessary to extend the Contract completion date from November 30, 2021 to November 30, 2022, at no additional cost to the County, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract to Watts Architecture & Engineering, be extended to November 30, 2022, at no additional cost to the County, and be it further

RESOLVED, that, following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IF-114-21

From: Infrastructure & Facilities and Administration Committees.

Dated: November 16, 2021

**AWARD CONSULTANT CONTRACT – WILSON-BURT ROAD BRIDGE
OVER EIGHTEEN MILE CREEK**

WHEREAS, the Department of Public Works evaluated proposals from pre-qualified consulting engineering firms to assist the County with the Wilson-Burt Road Bridge over Eighteen Mile Creek Project, and

WHEREAS, funds are available in account H698.15.5197.000 72600.02, Bridges, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the consultant services contract for the Wilson-Burt Road Bridge over Eighteen Mile Creek Project be awarded to C & S Engineers, Inc., 499 COL Eileen Collins Blvd., Syracuse, NY 13212, for a contract amount not to exceed \$143,000, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Legislature be, and hereby is, authorized to execute the required documents.

Moved by Bradt, seconded by Virtuoso.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-043-21

From: Legislators Richard L. Andres, Anthony J. Nemi, John Syracuse, Randy R. Bradt, Owen T. Steed and Parks Recreation & Tourism Ad Hoc Committee.

Dated: November 16, 2021

**SUPPORT FOR THE OLD FORT NIAGARA
HISTORIC STRUCTURES PRESERVATION PROJECT**

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee ("HCSC"), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Old Fort Niagara Association has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds for its Old Fort Niagara Historic Structures Preservation Project, which includes repair to the exterior and interior of three historic structures which date prior to the American Revolution, including the South Redoubt, which has significant mortar cracks and losses in over 48% of the exterior surface, the North Redoubt which has significant mortar cracks and losses in 26% of the exterior surface area, mortar losses and serious cracks in these buildings' interiors, as well as masonry deterioration in the French Castle where stones are falling out of chimneys, and a new roof for the French Castle, and

WHEREAS, in addition to their historical, educational and cultural values, these stone, three-story buildings are prime attractions at Old Fort Niagara, which welcomes 200,000 visitors from all over the world who tour the Fort annually, and

WHEREAS, Old Fort Niagara Association proposes a masonry restoration project to repoint the South and North Redoubts and repair damaged masonry in the French Castle, as well as a new roof for the French Castle, which has serious leaks, and

WHEREAS, Old Fort Niagara Historic Structures Preservation Project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote high quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed Old Fort Niagara Historic Structures Preservation Project will promote increased access to education, participation and entertainment for thousands of visitors to Fort Niagara State Park and residents in the surrounding communities, and

WHEREAS, the Old Fort Niagara Historic Structures Preservation Project has the support and approval of New York State Senator Robert G. Ort, Assemblyman Angelo J. Morinello, Assemblyman Michael Norris, Niagara County Legislator Irene Myers, John Percy of Destination Niagara, the Town of Porter, Niagara Falls National Heritage Area and the Village of Youngstown, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee has recommended that Niagara County approve and support this project, and

WHEREAS, the Old Fort Niagara Historic Structures Preservation Project has utilized great effort and is complimented for being able to receive additional funding and support whereby they are requesting the sum of \$75,000.00 on the total cost of \$940,000.00, and

WHEREAS, after receipt of grants and other funding for the project and in-kind services to be performed by Old Fort Niagara Historic Structures Preservation Project, the sum of \$75,000.00 of funds for this project is being requested, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$75,000.00 for the Old Fort Niagara Historic Structures Preservation Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Andres, seconded by Myers, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Andres, seconded by Myers.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-044-21

From: Legislators Richard I. Andres, Anthony J. Nemi John Syracuse, Randy R. Bradt, Owen T. Steed and parks, Recreation & Tourism Ad Hoc Committee.

Dated: November 16, 2021

SUPPORT FOR THE CITY OF NORTH TONAWANDA PHASE TWO OF GRATWICK RIVERSIDE PARK IMPROVEMENTS PROJECT

WHEREAS, the Niagara Power Coalition ("NPC") and the New York Power Authority agreed to a licensing settlement for the next 50 years for the Niagara Power Project, and

WHEREAS, that settlement allows Niagara County to receive, through NPC Host Community Standing Committee ("HCSC"), up to \$390,000 annually to fund projects which are found to be consistent with the Niagara Greenway projects along the Greenway Trail, and

WHEREAS, the Niagara County Legislature, by Resolution IL-006-21, approved Phase 1 of the Gratwick Riverside Park Improvements Project, which included the construction of one pavilion, a portable restroom, picnic tables and signage, and

WHEREAS, the City of North Tonawanda has made application to the Niagara County's Ad Hoc Committee on Recreation and Tourism for Greenway funds to assist in Phase 2 of the Gratwick Riverside Park Improvements Project, which includes the addition of one 30 foot by 60 foot by 10 foot pavilion to the southeast end of the park, which will provide additional areas for social and event gatherings, together with a 30-foot ADA portable restroom trailer which will be accessible for fisherman, bikers, soccer and lacrosse players and spectators and participants using the pavilion for parties and events, and

WHEREAS, Gratwick Riverside Park, which is located on River Road in the City of North Tonawanda, comprises over fifty acres of prime waterfront open space and has been identified as a destination gateway within the Niagara River Greenway Plan, and

WHEREAS, Gratwick Riverside Park has become a venue for major events including Thunder on the Niagara Boat Races, Brews and Wine on the Water and Thursday on the Waters Concert Series, as well as recreational activities for residents and visitors alike, including soccer and lacrosse games, kite flying and concerts, thereby creating a need for these additional facilities, and

WHEREAS, Phase 2 of the Gratwick Riverside Park Improvements Project meets the guiding principles of the Niagara Greenway, and

WHEREAS, the Niagara River Greenway Commission's guiding principles promote quality ecologically sensitive and sustainable activities and development, and

WHEREAS, the proposed City of North Tonawanda Gratwick Riverside Park Phase 2 Project will assist in the promotion of increased recreational opportunities for residents and visitors within the City of North Tonawanda and Niagara County, and

WHEREAS, the City of North Tonawanda is requesting the sum of \$100,000.00 to complete Phase 2 of the Gratwick Riverside Park Improvements Project, and

WHEREAS, Phase 2 of the Gratwick Riverside Park Improvements Project has the support and approval of Niagara County Legislators Richard L. Andres, Randy R. Bradt, and Jesse P. Gooch, Niagara County Legislative Chairman Rebecca J. Wydysh and City of North Tonawanda Mayor Arthur G. Pappas, and

WHEREAS, the Ad Hoc Committee for Recreation and Tourism Fund appointed by the Niagara County Legislature to review projects brought to Niagara County seeking funding from Niagara County through the Niagara Power Coalition and the Host Community Standing Committee, has recommended that Niagara County approve and support Phase 2 this project, and

WHEREAS, the City of North Tonawanda is hereby requesting the sum of \$100,000.00 on the total overall project costing \$380,600.00, and

WHEREAS, after receipt of other funding for the project and in-kind services to be performed by the City of North Tonawanda, the remaining \$100,000.00 of funds is being requested for said project, now, therefore, be it

RESOLVED, that the Niagara County Legislature does hereby support and sponsor the funding of \$100,000.00 for Phase 2 of the City of North Tonawanda Gratwick Riverside Park Improvements Project when presented to the Niagara Power Coalition and the Host Community Standing Committee.

Moved by Bradt, seconded by Gooch, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Bradt, seconded by Gooch.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-045-21

From: Legislators Dennis F. Virtuoso, Owen T. Steed, Mark J. Grozio, Christopher A. Robins, Anita Mullane, Richard L. Andres, Randy R. Bradt, Rebecca J. Wydysh, Irene M. Myers, Jesse P. Gooch, David E. Godfrey, Anthony J. Nemi, William J. Collins, Michael A. Hill and John Syracuse

Dated: November 16, 2021

**RESOLUTION IN SUPPORT OF THE CITY OF NIAGARA FALLS CENTENNIAL PARK
EVENTS CENTER PROJECT**

WHEREAS, Niagara Falls, a true wonder of the world, continues to attract several million visitors to the Western New York region each year, and

WHEREAS, in order to encourage development and prosperity in our City, we must continue to seek out new and exciting ways to both attract and retain visitors to our City while also providing our own local residents with quality entertainment and attractions, and

WHEREAS, the residents of the City of Niagara Falls believe that we can chart our own course in this endeavor, with the help of the governor and the resources of New York State, and

WHEREAS, Empire State Development, USA Niagara and the New York State Parks continue to make improvements to state owned land and invest in assets adjacent to the Falls, but further investment is needed, and

WHEREAS, the City is currently interested in partnering with multiple entities to build a multifaceted year-round event campus capable of hosting a multitude of events including, but not limited to, sporting events, concerts, indoor/outdoor gatherings, multiple youth centered activities for visitors and, especially, our local residents, and

WHEREAS, to that end, on October 14, 2021, Mayor Robert Restaino proposed the development of "Centennial Park", a perennial events center, which is designed to achieve that goal and encourage and retain visitors to Niagara Falls year-round and attract local residents to our downtown area, and

WHEREAS, the Centennial Park proposal includes plans for an indoor arena, outdoor amphitheater, water feature ice-skating rink, multilevel surface parking deck and wall climbing adventure course, and

WHEREAS, as a year-round complex, Centennial Park will also take advantage of the winter season and all the amenities and activities for families that the winter season has to offer, and

WHEREAS, for our tourism industry, the Centennial Park complex will bring more visitors to the area with longer stays in a balance between the seasons, encouraging visitors to come in the fall/winter season while giving people more to do during their visit and encouraging longer stays and attracting new and non-traditional

visitors to the area, and

WHEREAS, the Events Campus will also engage and integrate with local businesses, creating high quality, year-round local jobs that will align with our local workforce supply, and

WHEREAS, most importantly, Centennial Park will provide our own local residents with "something to do" in Niagara Falls, by delivering top-level facilities, attractions and entertainment for their families to enjoy year-round, and

WHEREAS, the Niagara County Legislature believe that Centennial Park is critical to the future of the City of Niagara Falls and encourages the leadership of state and local county government, the local business community, and the community at large to join us in support of this worthwhile project, ensuring that it not just a proposal, but a reality, now, therefore, be it

RESOLVED, that the Niagara County Legislature hereby supports and encourages the promotion and development of the proposed event campus known as Centennial Park as proposed by Mayor Robert M. Restaino, and be it further

RESOLVED that the Clerk of the Legislature is directed to provide a certified copy of this Resolution to Governor Kathy Hochul, New York State Senator Robert Ort, and New York State Assemblyman Angelo Morinello.

Moved by Virtuoso, seconded by Grozio, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Virtuoso, seconded by Grozio.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Resolution No. IL-046-21

From: Legislators Dennis F. Virtuoso, Owen T. Steed, Mark J. Grozio, Christopher A. Robins, Anita Mullane, Richard L. Andres, Randy R. Bradt, Rebecca J. Wydysh, Irene M. Myers, Jesse P. Gooch, David E. Godfrey, Anthony J. Nemi, William J. Collins, Michael A. Hill and John Syracuse

Dated: November 16, 2021

PURPLE HEART MONUMENT COMMITTEE

WHEREAS, the Niagara County Legislature established that Niagara County is a Purple Heart County, and

WHEREAS, every year Niagara County Honors our Purple Heart recipients and enroll their names in The Frank J. Gaffney Purple Heart Book of Honor, and

WHEREAS, Niagara County should consider a permanent monument for our Purple Heart recipients so their names could be seen all year round and be permanently etched in stone, now therefore, be it

RESOLVED, that the Niagara County Legislature established a Purple Heart Monument Committee to study and report back to the Niagara County Legislature with their recommendations on a permanent monument, and be it further

RESOLVED, that this committee consisted of the Niagara County Clerk, the Director of Veteran Services, two members appointed by the Chair of the Niagara County Legislature, two appointed by the Majority Leader and two appointed by the Minority Leader.

Moved by Virtuoso, seconded by Bradt, to implement the portion of Rule 15 that pertains to voting on a resolution as opposed to referring it to committee.

Carried.

Moved by Virtuoso, seconded by Bradt.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

County Manager, Richard E. Updegrave announced that the 2022 tentative Budget is under the tax cap and he will be hosting a small budget meeting that will take place Monday at 4pm with Budget Director, Daniel Huntington.

APPOINTMENTS:

	<u>Appt.</u>	<u>Expires</u>
<u>FISHERIES BOARD:</u>		
Vic Thibault (replaces Frank Campbell) 1694 Lockport-Olcott Rd, Burt 14028	11/16/21	12/31/23
Paul Schrimmer (replace Scott Sheffler) 5163 Lower Mountain Rd. Lockport 14094	11/16/21	12/31/21

Moved by Collins, seconded by Myers.

Adopted. 15 Ayes, 0 Noes, 0 Absent.

Moved by Andres, seconded by Syracuse that the Board adjourn.

The Chairman declared the Board adjourned at 7:03 p.m., subject to the call of the Clerk.

No citizen spoke at this time on the General Welfare of the County.


Alysa T. Moran, Clerk